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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,559	03/01/2002	Richard P. Lamothe	4341-32-1	2177

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EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/087,559

Applicant(s)

LAMOTHE, RICHARD P.

Examiner

Kenneth E Peterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed 19 July 04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is the vacuum gripping means of claims 27 and 28. The specification, most notable figure 4, teaches holes in the turnbar that have *positive* pressure, but none that have *negative* pressure.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. Claims 27 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the original disclosure in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, as set forth above.

3. The drawings are objected to because figure 3 shows an impossible configuration. Firstly it is noted that the slit webs 228 and 264 are of roughly the same width. Secondly it is noted that the turnbars 232 and 270 are angled the same amount. Given the above, the 360° wraps around the large diameter turnbar 232 should be spaced apart significantly more than the 360° wraps around the small diameter turnbar 270. To illustrate, simply wrap a rubber band helically around a thin pen, and then wrap a rubber band at the same helical angle around a fat marker, and note that the wraps on

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the fat marker are more spaced than on the thin pen. Contrary to this, Applicant's figure 3 has no spacing between the 360° wraps on either of the turnbars.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Katz et al.'888, who shows a web handling apparatus having all of the recited limitations including a plural slitters (142,144,146), a cross-cutter (164), a drive station (left of cross-cutter in figure 8), a take-up roller (150) and plural turnbars (151,157), each having a slit web wrapped around a "substantially" portion of it's periphery.

In regards to claim 25, it is clear from the drawings that the slit webs are sufficiently tensioned by the master roller and slave roller (left of cross-cutter in figure 8) to advance the webs. Since there is no disclosure of speed discrepancies between the slave and master roller, one of ordinary skill in the art would perceive them to have equal speed.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al.'888.

Katz shows a web handling apparatus having most of the recited limitations as set forth above.

Katz's slave roller is not faster than the master roller, nor is it "directly coupled" to the master roller. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have some of the rollers exceed the speed of the web and

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to exceed the speed of other rollers so as to maintain a certain tension in the web. An example of such technology is shown by Kishine et al., who shows a web handling apparatus having turnbars and a few rollers that go faster than other rollers (see abstract). It would have been obvious to one of ordinary skill in the art to have modified Katz by making his slave roll go faster than the advancing web, as is well known and taught by Kishine, in order to properly tension the web.

Katz's turnbars do not have vacuum gripping means. Examiner takes Official Notice that such is ancient technology. It would have been obvious to one of ordinary skill in the art to have modified Katz's turnbars by providing them with vacuum gripping means, as is old and well known, in order to better advance the web.

Katz's turnbars all appear to have the same diameter. Examiner takes Official Notice that it is a well known equivalent for turnbars to be of differing diameters. An example of such is the patent to Morita et al.'846. It would have been obvious to one of ordinary skill in the art to have made Katz's turnbars be of differing diameters, since differing diameter turnbars are art-recognized equivalents to matching diameter turnbars, as is old and well known and shown by Morita. See MPEP 2144.06.

8. Applicant's arguments have been fully considered but they are not persuasive.


While Applicant has pointed out many differences between his device and the device of Katz, the claims currently do not make that distinction.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp
September 8, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER